

OPINION 622

FENESTELLA LONSDALE, 1839 (BRYOZOA); VALIDATION UNDER THE PLENARY POWERS IN ACCORDANCE WITH ACCUSTOMED USAGE

RULING.—(1) Under the plenary powers :

- (a) the generic name *Fenestella* [Röding], 1798, is hereby suppressed for the purposes of both the Law of Priority and the Law of Homonymy ;
- (b) all designations of type-species for the nominal genus *Fenestella* Lonsdale, 1839, made prior to the present Ruling are hereby set aside and the nominal species *Fenestrella* [sic] *subantiqua* d'Orbigny, 1850, is hereby designated as the type-species of that genus.

(2) The following generic names are hereby placed on the Official List of Generic Names in Zoology with the Name Numbers specified :

- (a) *Fenestella* Lonsdale, 1839 (gender : feminine), type-species, by designation under the plenary powers in (1)(b) above, *Fenestrella* [sic] *subantiqua* d'Orbigny, 1850 (Name No. 1459) ;
- (b) *Fenestrellina* d'Orbigny, 1849 (gender : feminine), type-species, by original designation, *Fenestella crassa* M'Coy, 1844, (Name No. 1460) ;
- (c) *Fenestrella* Osborn & Drake, 1916 (gender : feminine), type-species, by original designation, *Fenestrella ovata* Osborn & Drake, 1916 (Insecta, Hemiptera) (for use only by those zoologists who consider that *Fenestrella* is distinct from *Acalypta* Westwood, 1840) (Name No. 1461).

(3) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified :

- (a) *subantiqua* d'Orbigny, 1850, as published in the binomen *Fenestrella* [sic] *subantiqua*, as interpreted by the neotype designated by Elias, 1956 (type-species of *Fenestella* Lonsdale, 1839) (Name No. 1784) ;
- (b) *crassa* M'Coy, 1844, as published in the binomen *Fenestella crassa* (type-species of *Fenestrellina* d'Orbigny, 1849) (Name No. 1785) ;
- (c) *ovata* Osborn & Drake, 1916, as published in the binomen *Fenestrella ovata* (type-species of *Fenestrella* Osborn & Drake, 1916) (Insecta, Hemiptera) (Name No. 1786).

(4) The following generic names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified :

- (a) *Fenestella* [Röding], 1798, as suppressed under the plenary powers in (1)(a) above (Name No. 1530) ;
- (b) *Fenestrella* Girard, [1844], an incorrect spelling for *Fenestella* Lonsdale, 1839 (Name No. 1531) ;
- (c) *Fenestrella* d'Orbigny, 1849, an incorrect spelling for *Fenestella* Lonsdale, 1839 (Name No. 1532) ;
- (d) *Fenestrella* d'Orbigny, 1850, an incorrect spelling for *Fenestella* Lonsdale, 1839 (Name No. 1533) ;

- (e) *Fenestrella* Gray, 1847, an incorrect spelling for *Fenestrella* [Röding], 1798 (Name No. 1534);
- (f) *Drakella* Bergroth, 1922, a junior objective synonym of *Fenestrella* Osborn & Drake, 1916 (Name No. 1535).
- (5) The family-group name FENESTELLIDAE King, 1849 (type-genus *Fenestella* Lonsdale, 1839) is hereby placed on the Official List of Family-Group Names in Zoology with the Name No. 316.

HISTORY OF THE CASE (Z.N.(S.) 154)

The present case was first submitted to the Office of the Commission by Dr. M. K. Elias and the late Dr. G. E. Condra in June 1944, in the form of an application for the validation of *Fenestrella* Lonsdale and the designation of *Fenestrella plebeia* M'Coy as its type-species. On learning later that adequate specimens of *Fenestrella subantiqua* d'Orbigny (which Lonsdale originally included in his genus but misidentified as *Gorgonia antiqua* Goldfuss) were available, the applicants asked that this species be designated as the type of *Fenestrella*. An application on these lines was drafted and was sent to the printer on 4 March 1960, being published on 16 September 1960 in *Bull. zool. Nomencl.* 17 : 294-300.

Public Notice of the possible use by the Commission of its plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (*Bull. zool. Nomencl.* 4 : 51-56) and to three palaeontological serials. An objection was received from Dr. E. Raymond Hall.

DECISION OF THE COMMISSION

On 1 May 1961 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (61)11 either for or against the proposals published in *Bull. zool. Nomencl.* 17 : 299-300. At the close of the voting period on 1 August 1961 the state of the voting was as follows :

Affirmative Votes—twenty (20), received in the following order : Dymond, Mayr, Holthuis, Hering, Hemming, Stoll, Boschma, Riley, Obruchev, Bonnet, Alvarado, Miller, Brinck, Jaczewski, Vokes, do Amaral, Key, Prantl, Lemche, Kühnelt.

Negative Votes—two (2) : Uchida, Tortonese.

On Leave of Absence—one (1) : Bradley.

Voting papers not returned—One (1) : Evans.

Commissioner Poll returned a late affirmative vote.

Commissioner Mertens (26.vii.61) returned a qualified affirmative vote together with the following note : "I partially vote against the proposals, i.e. as far as the insect names (Hemiptera) are concerned. Both the names *Fenestrella* Osborn & Drake, 1916 and *Drakella* Bergroth, 1922 have already been synonymized by Drake (1928) with *Acalypta* Westwood, 1840 (cf. Drake & Ruhoff, 1960, Lace-Bug genera of the world,—*Proc. U.S. nat. Mus.*, 112). In connection with these unimportant names I can find no reason for any action by the Commission changing their present status in order to restore

Fenestrella Osborn & Drake artificially, to place this long-established synonym on the Official List, and to place *Drakella* on the Official Index.

"It seems better to interpret *Fenestrella* of Gray and *Fenestrella* of Girard and d'Orbigny as unjustified emendations without injuring their present status under the Law of Homonymy. There is no evidence that the different usages of *Fenestrella* might be regarded as erroneous subsequent spellings, and therefore the interpretation by the applicants is to be regarded as unjustified and arbitrary."

The following comments were also received from Commissioners :

Commissioner K. H. L. Key (30.vi.61)—"In voting thus, I wish nevertheless to dissociate myself from the applicants' inference (pars. 6 & 7) that King 'intended' to designate the species represented by *Fenestrella subantiqua* d'Orbigny as type-species of *Fenestrella* and that it is for this reason that *Fenestrella* is to be regarded as a genus based on a misidentified type-species. I hold rather that, on the evidence presented, King's intentions are not determinable, and that *Fenestrella* is a genus based on a misidentified type-species because the nominal species selected as type-species by King had been misidentified by Lonsdale, a fact that is demonstrable from Lonsdale's description of the species that he must be taken to have identified with *Gorgonia antiqua* Goldfuss."

Commissioner Henning Lemche (10.vii.61)—"I vote in favour of the proposals because they solve the problems clearly and in a manner as consistent as possible with the aim of the Rules. It cannot be correct to reject, because of the question mark, at the same time (1) *antiqua* Goldfuss as the type of *Fenestrella*, and (2) *antiqua* Lonsdale as a separate species."

After receipt of Prof. Mertens correction on the status of *Fenestrella* Osborn & Drake, the Secretary of the Commission circulated to all Commissioners a note setting out the situation and proposing that in view of the circumstances *Fenestrella* and its type-species be not added to the Official Lists in the present Opinion.

Both Commissioner Lemche and Commissioner Hemming in replying to the Secretary's note suggested that *Fenestrella* Osborn & Drake should be added to the Official List with the endorsement that it is for use only by those specialists who consider the genus a valid one. This suggestion was adopted by the Secretary.

ORIGINAL REFERENCES

The following are the original references for the names placed on Official Lists and Indexes by the Ruling given in the present Opinion :

crassa, *Fenestrella*, M'Coy, 1844, *Syn. Char. Carb. Limestone Foss. Ireland* : 501

Drakella Bergroth, 1922, *Ann. Soc. ent. Belgique* 62 : 152

Fenestrella Lonsdale, 1839, in Murchison, *Sil. Syst.* : 677

Fenestrella Röding, 1798, *Mus. Bøllen.* 2 : 193

FENESTELLIDAE King, 1849, *Ann. Mag. nat. Hist.* (2) 3 : 388

Fenestrella Girard, [1844], *Arch. wiss. Kunde Russland* (1843) 3 : 539

Fenestrella Gray, 1847, *Proc. zool. Soc. London* 1847 : 201

Fenestrella d'Orbigny, 1849, *Rev. Mag. Zool.* (2) 3 : 501

Fenestrella d'Orbigny, 1850, *Prodr. Paléont.* 1 : 44

Fenestrella Osborn & Drake, 1916, *Ohio State Univ. Bull.* 20 : 222

Fenestrellina d'Orbigny, 1849, *Rev. Mag. Zool.* (2) 3 : 501

ovata, *Fenestrella*, Osborn & Drake, 1916, *Ohio State Univ. Bull.* 20 : 222

subantiqua, *Fenestrella*, d'Orbigny, 1850, *Prodr. Paléont.* 1 : 44

The following is the original reference for the designation of a neotype for a nominal species concerned in the present Ruling :

For *Fenestrella subantiqua* d'Orbigny, 1850 : M. K. Elias, 1956, *J. Paleont.* 30 : 317, 319-321, pl. 43, figs. 1-4

CERTIFICATE

WE certify that the votes cast on Voting Paper (61)11 were cast as set out above, that the proposal set out in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 622.

N. D. RILEY

Secretary

W. E. CHINA

Assistant Secretary

International Commission on Zoological Nomenclature

London

23 October 1961

COMMENT ON THE PROPOSED ADDITION OF *TRICHOCERA* MEIGEN, 1803, TO THE OFFICIAL LIST OF GENERIC NAMES IN ZOOLOGY. Z.N.(S.) 1407

(see volume 18, pages 203-205)

By Paul Freeman (*British Museum (Natural History), London*)

I wish to add my support to Mrs. Dahl's application for the addition of *Trichocera* Meigen, 1803, to the Official List of Generic Names in Zoology and of TRICHO CERIDAE to the Official List of Family-Group Names in Zoology. These names have been well known for a long time in the study of Diptera and warrant adding to the Lists.

I support also her arguments for the setting aside of the three specimens of *Tipula pagana* placed under the name *Tipula hiemalis* in the De Geer collection in Stockholm and their replacement by a neotype ; and also the placing of the specific name *hiemalis* on the Official List of Specific Names in Zoology.